Washington Department of Ecology

Rule Development Process

June 6, 2006

Rule-Making Laws in Washington

The Administrative Procedure Act –
Chapter 34.05 RCW

The Regulatory Fairness Act –
Chapter 19.85 RCW

The Department of Ecology also adopted policies to address internal rule-making processes.

DEPARTMENT OF ECOLOGY RULE DEVELOPMENT PROCESS

STEPS INVOLVED

- Rule Authorization Document
- Rule Development Plan
- Prepare and File CR 101
- Work with an Advisory Panel
- Prepare and File CR 102
- Public Comment Period
- Prepare and File CR 103

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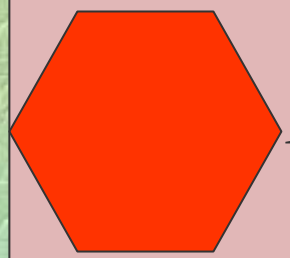


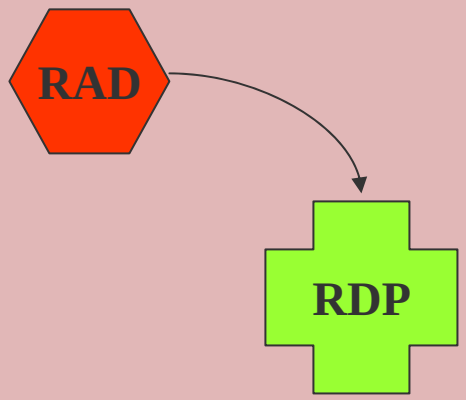
Rule Authorization Document

Define Intended Rule

Agency Approval

- Strategic Planning
- ALL rules go to SMT
  - Big Picture
  - Staff contact w/SMT
  - SMT contact w/staff

Approved by: Senior Management Team (SMT)



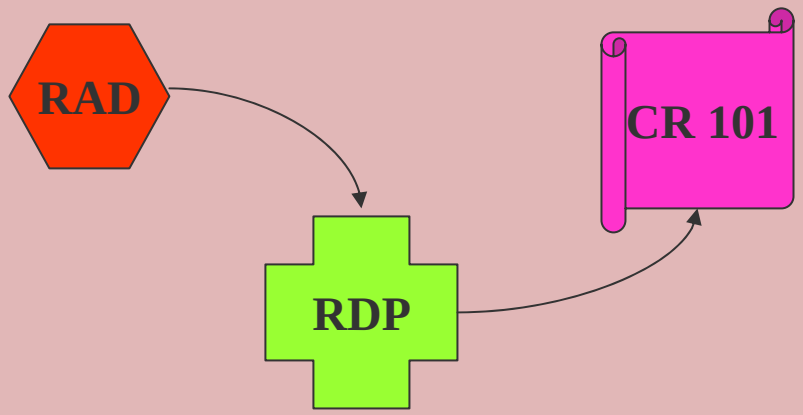
Rule Development Plan

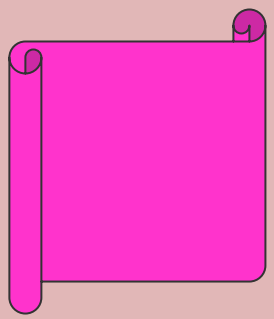
Program "Roadmap"

Better defined concept/ scope

- What is planned
- Who does it impact
- Anticipated issues
- Public involvement strategy
- Communication plan

Approved by:
Program Manager, Public Involvement Officer and Agency Rules Coordinator





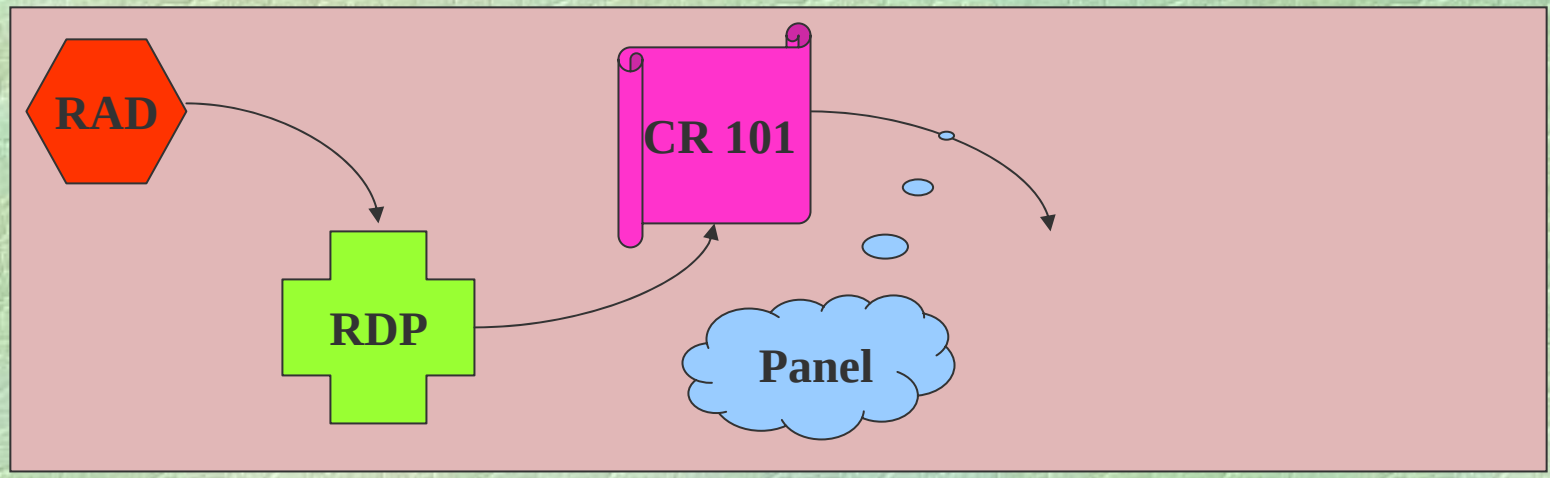
CR 101

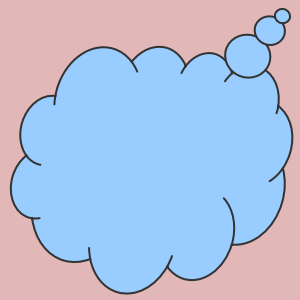
Notice of Inquiry

First "official" APA paperwork

- Announces intent to adopt/amend/repeal a rule
- Specific or General
- Invites participation

Signed by: Program Manager

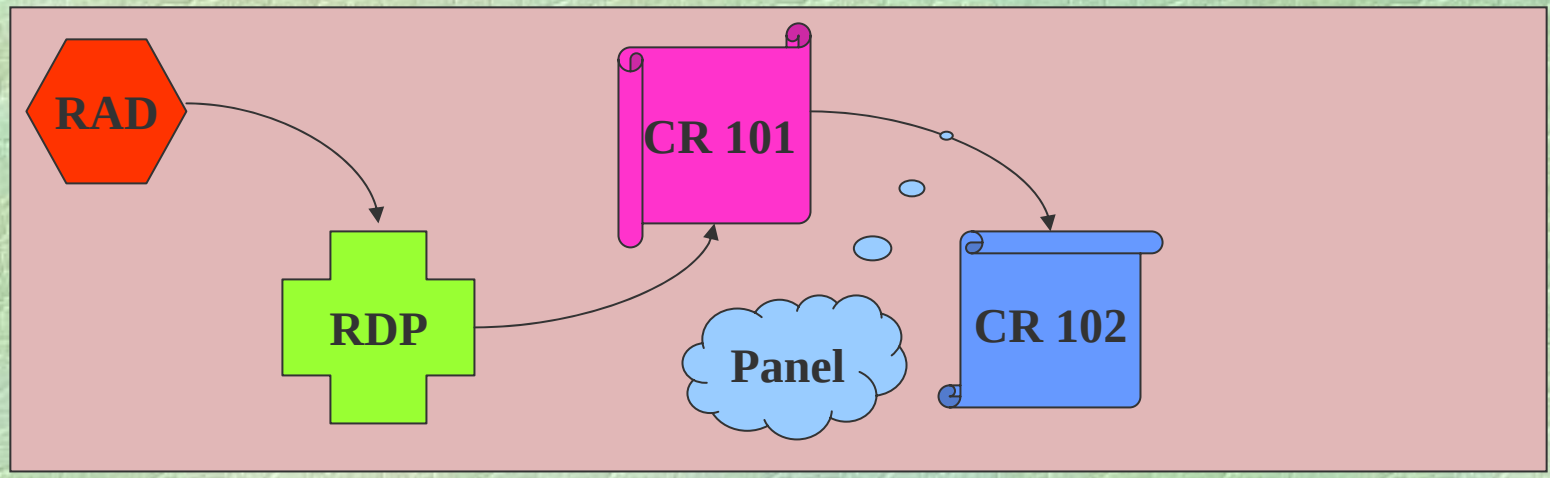


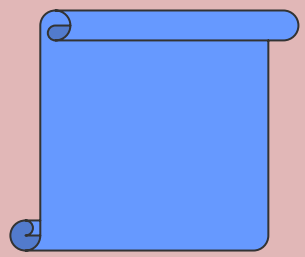


Create an Advisory Panel

- Implement Public Involvement
- Stakeholders/workgroups
- Identify/Prioritize/ Resolve Issues(drafting rule)

Implementation by: Program





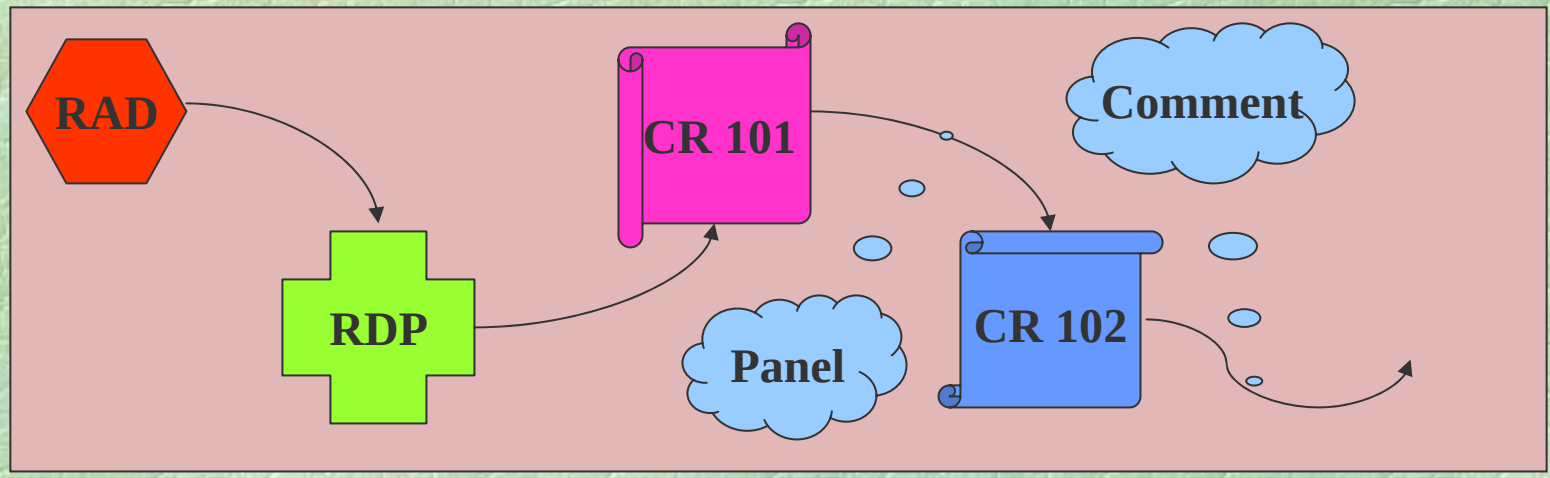
CR 102

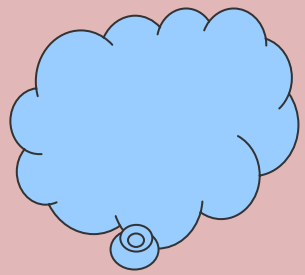
Notice of Intent to Adopt Rule

Public Comment Period

- Publish draft rule
- Announce public hearings
- Establish public comment period
- SBEIS filed
- Draft CBA made available

Signed by: Deputy Director

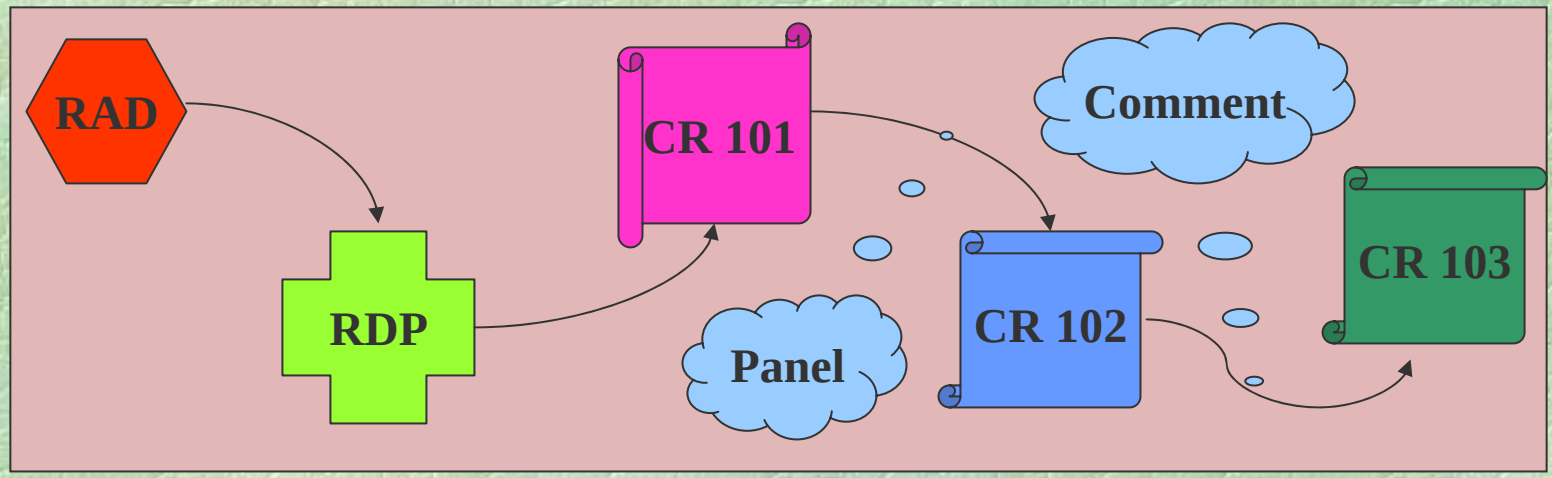


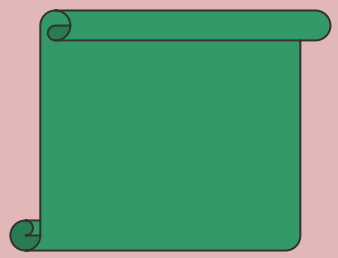


Public Comment Period

- Conduct Public Hearings
- Receive/Review/Evaluate Comments
- Make changes(if necessary)
- Complete Filing Packet
  - Concise Explanatory Statement
  - Cost-benefit analysis
  - Implementation Plan

Implementation by: Program





CR 103

Rule Adoption Order

Prepare final adoption package

- Final rule text
- Concise Explanatory Statement
- 328 Determinations
  - Cost-benefit Analysis
  - Least burdensome alternative
  - Implementation Plan
- Send adoption notification

Signed by: Director